

FOR THE APPOINTMENT AND PERFORMANCE OF COUNSEL IN DEATH PENALTY CASES, Commentary to Standard 4.1, at B (2003). Recent supplements to these guidelines, which address the mitigation function of defense teams, similarly mandate that "[t]he defense team must include individuals possessing the training and ability to obtain, understand and analyze all documentary and anecdotal information relevant to the client's life history." See *Supplementary Guidelines for the Mitigation Function of Defense Teams in Death Penalty Cases*, 36 HOFSTRA L. REV. 677, 682 (2008) (Guideline 5.1(B)). The Supplementary Guidelines apply to all stages of capital cases, including post-conviction cases. *Id.* at 679.

This Court finds that the requested funds are reasonably necessary in the context of litigating a claim of ineffective assistance of counsel pursuant to *Wiggins v. Smith*, 539 U.S. 510 (2003) as well as a claim of mental retardation pursuant to *Atkins v. Virginia*, 536 U.S. 304 (2002). Further, the Court finds that Ms. Tansey is qualified to serve as a mitigation specialist in this case. Ms. Tansey is an attorney experienced in developing mitigation evidence in capital cases involving Mexican nationals.

Accordingly, the Court **GRANTS** Petitioner's motion and authorizes Ms. Tansey, commencing February 27, 2009, to incur up to \$ 7,500.00 in fees and expenses, at the rate of \$85.00/hour.

SIGNED this 30th day of April, 2009, at San Antonio, Texas.



UNITED STATES DISTRICT JUDGE